IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 18641 of 2007(T)

PETITIONER:

N.P.ANTONY, NAMBIYATTUKUDY MODERN RICE MILL, OKKAL P.O., KALADY.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)
SRI.THOMAS GEORGE

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY SECRETARY TAXES (B) DEPARTMENT, SECRETARIAT, TRIVANDRUM.**
2. **THE COMMISSIONER OF COMMERCIAL TAXES, TRIVANDRUM.**
3. **THE DEPUTY COMMISSIONER, COMMERCIAL TAXES, TRIVANDRUM.**
4. **THE DISTRICT COLLECTOR, ERNAKULAM.**
5. **THE TAHSILDAR (RR), ALUVA.**
6. **THE MANAGER, THE STATE BANK OF TRAVANCORE, PERUMBAVOOR.**

BY ADV. SRI.M.PATHROSE MATTHAI (SR.) - R6
SRI.SAJI VARGHESE
BY GOVERNMENT PLEADER SRI.C.K.GOVINDAN - R1 TO R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, ALONG WITH WPC 17706/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18641/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE COMMUNICATION DT. 8.11.05 ISSUED FROM THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE COMMUNICATION DT. 18.1.07 ISSUED FROM THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE COMMUNICATION DT. 19.1.07 ISSUED FROM THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE COMMUNICATION DT. 6.3.07 ISSUED FROM THE 6TH RESPONDENT.

EXT.P5:- COPY OF THE JUDGMENT DT. 19.3.07 IN WP(C) NO.9031/07 OF THIS HONOURABLE COURT.

EXT.P6:- COPY OF THE INTERIM ORDER DT. 17.4.07 IN WPC 13382/07 OF THIS HONOURABLE COURT.

/TRUE COPY/

P.A. TO JUDGE

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.18641 & 17706 of 2007

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Dated this the 6th day of August, 2007.

JUDGMENT

The petitioners are challenging recovery proceedings for recovery of arrears of purchase tax levied under Section 5A of the KGST Act on purchase turnover of paddy. Proceedings under challenge are Garnishee orders issued to Banks freezing the accounts of the petitioners. The association of mill owners had represented the matter to the Government and Government vide Circular NO.30/07 dated 20.7.2007 waived the interest and granted instalment facility to clear the arrears in six equal monthly instalments. In the circumstances, W.Ps. are disposed of directing the Assessing Officer to modify the assessments based on the Circular abovereferred and issue demand granting instalments in terms of the Circular. The Assessing Officer is directed to issue orders within a week from the date of production of copy of this judgment. If petitioners have grievance against modified orders, the petitioners can file appeal against modified orders. Recovery proceedings including freezing of Bank Accounts will remain stayed for the petitioners to clear the arrears in terms of the revised demand to be issued by the Assessing Officer. However, if

petitioners commit default in payment of any instalment exclusive of interest, the officer can request for revival of Garnishee Orders or take any coercive steps for recovery.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms